

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T-MOBILE USA, INC.,

Plaintiff,

v.

HUAWEI DEVICE USA, INC., *et al.*,

Defendants.

Case No. C14-1351-RAJ

ORDER

This matter comes before the Court on Defendant Huawei Device USA, Inc.’s Motion for Leave to Depose. Dkt. # 405. Plaintiff T-Mobile USA, Inc. opposes Defendant’s Motion. Dkt. # 409.

Defendant alleges that Plaintiff’s expert, Ryan Sullivan, intends to offer opinions at trial that were not properly disclosed. However, these opinions have previously been adequately explained. *See* Dkt. ## 285-9, 330-2, 411. Moreover, Defendant was not diligent in acting on this issue. The Court finds it wholly inappropriate for Defendant to raise this issue—styling it as a “new” argument—on the eve of trial. The Court reminds the parties that they may not try this case by ambush or surprise. Finally, granting this motion would severely prejudice Plaintiff in light of Defendant’s delay and last minute

1 efforts to reopen discovery. Accordingly, the Court **DENIES** Defendant's Motion. Dkt.
2 # 405.

3 DATED this 18th day of April, 2017.

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7 The Honorable Richard A. Jones
8 United States District Judge
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